

Testimony of Special Education Equity for Kids in Connecticut (SEEK)
To Committee on Education
February 22, 2023
Presented by Attorney Andrew Feinstein

Chairman McCrory, Chairman Currey, Ranking Members Berthel and McCarty, members of the Education Committee,

My name is Andrew Feinstein and I am the Legislative Chair of Special Education Equity for Kids of Connecticut (SEEK). SEEK is an organization of parents, professionals, advocates and attorneys working to support the needs of students with disabilities in the state.

We have comments on four of the five bills in front of you today.

The Governor's Education Budget Bill, HB 6662, corrects the percentage reimbursement amounts under the Excess Cost Grant. This correction certainly should be made; otherwise, the appropriated amount for excess cost reimbursement will not be spent. Still, we find it troubling that the only appropriation specifically for special education goes to fund extremely expensive out-of-district placement. Instead, we should specifically fund the in-district special education programs serving the vast majority of students with disabilities. Special education services are badly under-resourced in most districts, particularly so in light of the explosion of behavioral incidents and in light of the new requirements for structured literacy. The Legislature has created a task force to examine special education funding in Connecticut. Perhaps their recommendations will allow the necessary funding to be added to the budget in the coming years and we can do something to put the money where it is most needed.

HB 6663 expands eligibility for school readiness programs. That's appropriate, but these programs need to have the resources and capacity to provide services both to students with disabilities who are so designated and to the 30% of Birth to Three children who do not get designated as eligible for special education. Many of these children who should receive special education fall through the cracks because of insufficient staff or resources. Consequently, they fall further behind at a critical time before age 5 is the time when a child's brain is forming. It is the time when intensive intervention can change the trajectory of a child with a developmental disability. One size does not fit all: school readiness programs need to have what it takes to educate children with disabilities. Connecticut already faces a dire shortage of school readiness programs. Opening up the existing programs to a larger population of children will only make the shortage worse.

The State Department of Education has proposed SB 1028. SEEK has two comments. SDE designates 33 Alliance Districts, which are generally the most underfunded districts with the most high needs students. SDE provides high touch to those districts, offering guidance, training, and the like. What SDE cannot now offer and should offer is real resources – that is, money – to those districts. Even with the hoped for enactment of HB 5003, these districts still get the short end of the stick. Alliance districts are not in the shape they are because of poor

administration. They are in the shape they are because of endemic poverty, a low tax base, and inadequate state funding. Let's do something to correct that.

Fifth, the federal Individuals with Disabilities Education Act (IDEA) requires Connecticut to provide a free appropriate public education for students with disabilities and further requires that the State to enforce the law and ensure that each local school district meets its legal obligation. To fulfill this obligation, the state gets a substantial sum of federal funds. Sadly, SDE does little to meet Connecticut's responsibility to the federal government. Almost all IDEA enforcement occurs when parents challenge school districts through the dispute resolution processes available. This results in a widened equity gap as parents with the resources to do so can fund private actions, while parents of limited means cannot. SDE receives complaints, but when SDE makes a determination, the result is applicable only to the complainant and the school district. To live up to its promise, SDE should be auditing, investigating, doing site visits, reviewing random IEPs, interviewing providers and parents, and ensuring that complaint results are publicized and applied to all districts. Unfortunately, SDE lacks both the staff and the will to do so. Notably, SDE's lack of staff is due in part to actions of the Office of Management and Budget which has denied SDE the authority to create staff positions authorized by the Legislature and has slow walked the merit selection process for those positions that exist. This Committee needs to assert itself and demand that SDE is staffed to do the job it is legally obligated to perform.

We thank you for the opportunity to testify. I am happy to answer any questions and SEEK wants to continue to work with this Committee.